The implementation of the Port State Measures Agreement - Capacity development needs -

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Illegal, unreported and unregulated (IUU) fishing is a broad term originally defined in 2001, within the context of the IPOA-IUU, and includes:

- **Fishing and fishing-related activities conducted in contravention of national, regional and international laws.** (illegal)
- **Non-reporting, misreporting or under-reporting of information on fishing operations and their catches.** (unreported)
- **Fishing by “Stateless” vessels.** (unregulated)
- **Fishing in convention areas of RFMOs by non-party vessels.** (unregulated)
- **Fishing activities which are not regulated by States and cannot be easily monitored and accounted for.** (unregulated)
- **Fishing in areas or for fish stocks for which there are no conservation or management measures.** (unregulated)
1. FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993 (Compliance Agreement)

Aims to prevent the "re-flagging" of vessels under the flags of States that are unable or unwilling to enforce international fisheries conservation and management measures.

2. FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, 2009 (Port State Measures Agreement)

Aims to prevent fish caught by foreign fishing vessels engaged in IUU fishing activities from being landed and entering international markets, thus removing the incentive to engage in IUU fishing.
3. International Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated Fishing (2001)

A purposely designed toolbox, concluded within the framework of the FAO Code of Conduct for Responsible Fisheries, to combat IUU fishing, for use by all States, in general, flag States, coastal States and port States.


Aim to prevent, deter and eliminate IUU fishing through the effective implementation of flag State responsibilities. This instrument is a valuable tool for strengthening compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels.
THE 2009 FAO AGREEMENT ON PORT STATE MEASURES

- 2009 FAO Conference approved the Agreement as an Article XIV instrument under the FAO Constitution.

- The purpose of the Agreement is to prevent IUU-caught products from entering international markets, thus removing incentive to engage in IUU fishing.

- The Agreement is based on 2 voluntary international instruments:
  - 2001 IPOA-IUU
  - 2005 Model Scheme on Port State Measures to Combat IUU Fishing: an intermediate step towards the conclusion of the binding Port State Measures Agreement
Status of the PSMA

• The Agreement opened for signature in November 2009 and remained opened for one year (until November 2010).

• 23 FAO Members signed in that period:
  Angola, Australia, Benin, Brazil, Canada, Chile, EU, France, Gabon, Ghana, Iceland, Indonesia, Kenya, Mozambique, New Zealand, Norway, Peru, Russian Federation, Samoa, Sierra Leone, Turkey, USA, Uruguay.

22 FAO Members have ratified, accepted, approved or acceded to the Agreement (Australia, Barbados, Chile, Costa Rica, European Union – Member Organization, Gabon, Iceland, Mauritius, Mozambique, Myanmar, New Zealand, Norway, Oman, Palau, Republic of Korea, Seychelles, Somalia, South Africa, Sri Lanka, Saint Kitts and Nevis, United States of America, Uruguay)

• The Agreement will enter into force 30 days after deposit with FAO DG of the 25th instrument of ratification, acceptance, approval or accession.
Foreign vessel requests entry to designated port

Review of information provided by vessel. Other information may be sought, e.g. from RFMO

- Vessel identification
- Purpose of visit
- Fishing authorizations
- Transshipment information
- Catch on board

Authorize entry
Entry granted for inspection and actions (no use of port)

IUU fishing detected

DENY use of port

Prompt notification to flag State, relevant coastal States, RFMOs, other IOs.

Take other measures in conformity with international law, including those for which the flag State’s request or consent has been given.

Unless essential to safety, health of crew or safety of vessel / for scrapping of vessel

Information exchange

Landing; Transhipping; Processing; Packaging; Refuelling; Resupplying; Maintenance; Drydocking

NO INSPECTION

INSPECTION

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PSMA Inspection Process and Practices

- Levels and priorities for inspection (Article 12)
- Conduct of inspections (Article 13)
- Inspection procedures (Annex B)
  - Verification; Review and examination; Determination; Evaluation
- Inspection Results (Annex C)
  - Identification; RFMO status; Authorizations; Catch (offloaded and retained); logbooks and gear; findings, comments and signature.
- Transmittal of inspection results (Article 15)
  - Flag State; Coastal State, if evidence off illegal fishing; national State of vessel master; relevant RFMO; FAO; other international organizations
- Electronic exchange of information (Article 16)
  - Establish mechanism for direct electronic exchange; cooperate to establish an information-sharing mechanism; designate an authority as contact point; Annex D
Entry into force and implementation of the PSMA

• The entry into force of the PSMA would not only strengthen international efforts to curb IUU fishing but will, as a result, also contribute to strengthened fisheries management and governance at all levels.

• Through the implementation of defined procedures to verify that foreign vessels have not engaged in IUU fishing, and other provisions relating to the denial of access to ports, port inspections, prohibition of landing, detention and sanction, fish caught from IUU fishing activities can be blocked from reaching national and international markets.

• Used in conjunction with other tools such as the Global Record of Fishing Vessels, catch documentation schemes and other MCS tools, port State measures have the potential to be the most cost-effective and efficient means of combating IUU fishing.

• Through the appropriate use of the funding mechanisms to be established under Article 21 of the PSMA, developing States will be better placed to combat IUU fishing.
Implementation of the PSMA requires an approach that includes policy decisions, legal revision, strengthened institutional arrangements, appropriate operational procedures, and adequate capacity and financial resources.

Decisions on broad policy matters

- Structure and content of Legislation
- Structure of operational procedures

Institutional arrangements, priorities, and responsibilities

Capacity and financial resources

Implementation of activities
PERSISTENT CHALLENGES

There are several political, legal, institutional, educational and operational challenges to be addressed in the fight against IUU fishing, including:

• Strengthening of legal and governance frameworks at national, regional and global levels

• Enhancing the capacity of developing States to manage, monitor and control fishing activities

• Developing globally accepted standards for market access, trade and traceability mechanisms
FAO embarked on the delivery of a global series of regional capacity development workshops, in collaboration with relevant regional and international organizations, to:

• facilitate the accession to the PSMA in order to bring it into force as soon as possible and to ensure that it is accepted internationally in the widest possible manner

• contribute to the development of national capacity to maximize the benefits available through the effective use of the Agreement

• promote bilateral, subregional and/or regional coordination for the effective implementation of PSM.

The outputs of the workshops will serve as a foundation for a roadmap to develop / strengthen mechanisms for the implementation of port State measures at national and regional level.
FAO Capacity development programme for PSM (since April 2012)

Workshop delivered
BROADENING FAO’S GLOBAL CAPACITY DEVELOPMENT PROGRAMME

.....to support the cohesive implementation at national and regional levels of the provisions of the PSMA and complementary international instruments to combat IUU fishing.

Identification, prioritization and planning of interventions and associated Programme must be country-led, informed and participatory.
**Strengthening National and Regional Governance**

Strengthening national and regional policy and legislative frameworks to combat IUU fishing by:

- increasing global, regional and national appreciation of the benefits of implementation of the provisions of the PSMA and complementary international instruments, regional mechanisms and market measures.

- improving capacity of national entities and RFBs to develop and adopt appropriate policies and laws consistent with the provisions of the PSMA and complementary international instruments, regional mechanisms and market measures.
Reinforcing Monitoring, Control and Surveillance systems

Reinforcing regional and country level means and competencies to carry out coordinated and cost-effective MCS operations to combat IUU fishing through port State measures and complementary MCS tools and measures by:

- developing norms, procedures, processes and capacities to effectively enforce port State measures and complementary measures to combat IUU fishing, established within relevant national institutions and entities.

- improving regional frameworks for combatting IUU fishing through harmonisation of MCS systems, regional cooperation, coordination and networking.
Knowledge Management

Development / enhancement of knowledge management systems for the implementation of the PSMA and complementary international instruments, regional mechanisms and market measures, including:

- centralised national information systems
- regionally-managed information networks and databases
- global information systems for the dissemination of certified consolidated information
CAPACITY DEVELOPMENT IMPLEMENTATION STRATEGY

• An initial focus on countries where results can be expected within a relatively short timeframe.
• Country ownership and leadership.
• A programmatic approach to address IUU fishing through the provisions of the PSMA and complementary international instruments, regional mechanisms and market measures.
• Strengthening existing national and regional institutions and entities.
• Demand-driven and participatory mechanisms to identify constraints and match capacity-building requirements.
• Establishing of strong regional networks and collaborative arrangements between countries and RFBs, including through south-south cooperation.
• Results-based, participatory Monitoring and Evaluation.
Thank you for your attention

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